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April 22, 2002

The Honorable Spencer Abraham  
Secretary  
Department of Energy  
1000 Independence Avenue S.W.  
Washington, D.C.  
20585

Dear Mr. Secretary:

I am writing to seek clarification regarding certain confusing and inconsistent statements General John Gordon, Administrator of the DOE National Nuclear Security Administration (NNSA), has made regarding the adequacy of safeguards and security at Department of Energy (DOE) nuclear facilities. While General Gordon has repeatedly assured the public that DOE nuclear facilities are adequately protected against terrorist attacks, recent DOE correspondence with the White House Office of Management and Budget (OMB) seems to indicate that this is not the case.

As you know, a September 2001 report entitled U.S. Nuclear Weapons Complex: Security at Risk by the Project on Government Oversight (POGO) described its eight-month investigation that used unclassified documents to establish that nuclear weapons material at DOE sites remains vulnerable to theft or onsite construction and detonation of dirty bombs or homemade nuclear weapons. In particular, the POGO report described repeated failures by DOE contractor security personnel to protect DOE facilities from attack by mock "terrorists" who were testing security, repeated failures by DOE and its contractors to address and correct identified security problems, and weak and ineffective oversight of security by DOE headquarters personnel. I have reviewed the POGO report and find its conclusions alarming.

On January 23, 2002, I sent a letter to you that requested information about many of the concerns highlighted by the POGO report and other sources, and requested information on a variety of other issues related to security measures taken or planned to be taken in response to the events of September 11<sup>th</sup>. The letter was released at a press conference and received a significant amount of attention. I am still awaiting a response to my letter from the DOE.

On January 23, 2002, General John Gordon issued a press release in response to my letter and the POGO report. In that press release, he stated that

he "personally reviewed our [security] posture immediately following the terrorist attacks in September," that "allegations that the Department of Energy has lax security at its nuclear weapons facilities are false and misleading," that "we aggressively protect our people, facilities, and materials, and we display a formidable security posture to potential attackers," and that "nuclear material is not at risk at Department of Energy facilities."

General Gordon also wrote a letter to the editor of the Washington Post on February 16, 2002, in which he stated that the POGO report "needlessly and dangerously suggests an attacker or terrorist could have a chance of success, potentially creating danger when none exists," and that the DOE sites "are not places a terrorist could attack with any real expectation of success."

However, shortly after these statements were made, on March 28, 2002, a letter (Attachment 1) from Bruce M. Carnes of the Chief Financial Officer's office at DOE to Mr. Marcus Peacock at OMB stated that the Department had transmitted a supplemental budget proposal for safeguards and security, emergency response and energy security to OMB director Daniels on March 14, 2002. The Department's transmittal letter reportedly "described the underlying need to increase our response capabilities for emergencies and improve the security posture of [the] Department in order to adequately protect the public, our workers and the environment." The March 28, 2002 letter expressed the DOE's disappointment that its supplemental security request was denied.

The March 28, 2002 letter went on to state that OMB did not give the DOE the opportunity to discuss its concerns prior to being refused the additional funds, and that OMB reportedly told DOE that the reason for the refusal was that "the revised Design Basis Threat, the document that outlines the basis for physical security measures, has not been completed." However, according to the March 28, 2002 letter, DOE is "not operating, nor can it operate, under the pre-September 11 Design Basis Threat. Until that is revised, we must operate under Interim Implementing Guidance, and you have not provided resources to enable us to do so."

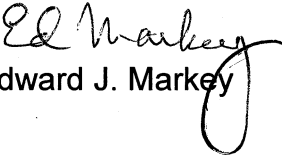
Because of the apparent discrepancy between the statements made by General Gordon indicating that security at DOE nuclear sites was adequate, and your request that the DOE security budget be increased and subsequent follow-up letter from DOE to OMB indicating that security is not being funded at adequate levels, I ask for your prompt response to the following questions:

1. Please provide a breakdown of your March 14, 2002 supplemental appropriations request to OMB, indicating which safeguards and security functions DOE believed needed to be upgraded and how much money was proposed for each such function. Please also provide a copy of your transmittal letter that was included in your March 14, 2002 budget proposal to OMB.

2. For each safeguards and security function listed above, please indicate what current levels of funding will enable DOE to perform, and what OMB's refusal of additional funds will mean (i.e. fewer security guards hired, failure to upgrade locks on safes, etc.).
3. Was General Gordon mistaken when he stated that nuclear materials were not at risk and that "are not places a terrorist could attack with any real expectation of success," especially in light of your March 14, 2002 budget request that reportedly requested additional security funds in order to adequately protect the public, the workers and the environment? If not, why were the increased funds being requested?

Thank you for your consideration of this important matter. I look forward to your prompt response. If you have any questions or concerns, please have your staff contact Dr. Michal Freedhoff of my staff at 202-225-2836.

Sincerely,

  
Edward J. Markey